

**Hearing Date:** To be determined by the Court

**Objection Deadline:** October 21, 2020

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE ASSOCIATES, *et al.*,

Defendants.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE REALTY, *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04362 (SMB)

Adv. Pro. No. 10-04400 (SMB)

**SECOND AMENDED NOTICE OF DEFENDANTS' MOTION *IN LIMINE* TO  
EXCLUDE THE TRUSTEE'S EXPERT REPORTS, FBI 302 STATEMENT, AND  
TESTIMONY OF SPECIAL AGENT THEODORE CACIOPPI**

**PLEASE TAKE NOTICE** that Defendants Sage Associates, Sage Realty, Malcolm H. Sage, Martin A. Sage, and Ann M. Sage Passer, by their undersigned counsel, respectfully move and will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, presiding at the United States Bankruptcy Court, One Bowling Green, New York, New York on a date to be determined by the Court, for entry of an order relating to trial in the above-referenced adversary proceedings on Defendants' Motion *in Limine* to Exclude the Trustee's Expert Reports, FBI 302 Statement, and Testimony of Special Agent Theodore Cacioppi (the "Motion") and upon the Memorandum of Law in Support of the Motion and the Declaration of Andrew B. Kratenstein in Support of the Motion. A proposed order is attached hereto.

**PLEASE TAKE FURTHER NOTICE** that written objections to the Motion must be filed by October 21, 2020, and must be served upon McDermott Will & Emery LLP, 340 Madison Avenue, New York, New York 10173, Attn: Andrew B. Kratenstein and via the email address below so as to be received by the objection deadline.

**PLEASE TAKE FURTHER NOTICE** that failure to file timely objections may result in the entry of an order granting the relief requested in the Motion without further notice to any party or an opportunity to be heard.

MCDERMOTT WILL & EMERY LLP

By: /s/Andrew B. Kratenstein  
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*Attorneys for Defendants Sage Associates, Sage  
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